

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

EUGENE R. HAFFKE, ET AL.

v.

DISCOVER FINANCIAL SERVICES

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Case No. 4:10cv276  
(Judge Schneider/Judge Mazzant)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 3, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Plaintiff's [sic] Original Petition should be granted in part and denied in part.


The Court, having made a *de novo* review of the objections raised by Plaintiff Eugene R. Haffke, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss Plaintiff's [sic] Original Petition (Dkt. #12) is GRANTED in part and DENIED in part. Plaintiffs' claims for alleged violations of 18 U.S.C. § 2261A and 47 U.S.C. § 223 are dismissed.

It is further **ORDERED** that Plaintiffs shall file an amended complaint, within fourteen (14) days of this Memorandum, setting forth more factual support for their claim for alleged violations of the FDCPA. No other claims may be added without leave of Court.

**IT IS SO ORDERED.**

**SIGNED this 26th day of August, 2010.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE